

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD HARTFORD CT

U.S. COSMETICS CORPORATION

Charged Party

And

TYLER HOAR, AN INDIVIDUAL
WILIAM ST. HILAIRE

Charging Parties

Case No. 01-CA-135282;
01-CA-139115

USCC's REVISED MOTION FOR A CONTINUANCE

Respondent USCC respectfully submits this Revised Motion to Continue the third week of trial, previously scheduled for January 19, 2016. Respondent has sought the position of the opposing parties. Mr. Scalise, who represents Mr. Hoar, has not responded as to whether he opposes the continuance. Ms. Howlett has provided alternative dates of her availability, but has not expressly stated whether she opposes the continuance. In support hereof, Respondent states as follows:

In scheduling this trial initially, NLRB counsel Joanne Howlett previously represented to ALJ Sondron that the presentation of the NLRB's case would take a day and a half, and Respondent stated that its portion of the case would therefore also take a day and a half. Instead, however, the NLRB did not rest its case until the sixth day of trial. As a result of NLRB counsel's failure to hone her presentation of her case and present it in an expeditious and relevant manner, the case has dragged on unnecessarily and the parties agreed to continue the case to the week of January 19th, 2016.

However, because of sad personal circumstances, counsel for Respondent is no longer available on January 19 or 20th, and informed NLRB counsel and ALJ Sondron of

that fact on January 11, 2016. Respondent's counsel's father has had a stroke, and is now paralyzed in his legs, and can no longer walk. The stroke also paralyzed his left arm and his entire left side of his body, which also impairs his ability to speak. He lives in Florida. Respondent's counsel is his health surrogate and must travel to Florida during the week of the scheduled trial to address certain emergency circumstances.

This stroke is on top of other serious health issues, and he is not expected to recover, despite rehabilitation efforts. He is expected to need 24/7 care for the rest of his life. Counsel must be in Florida next week to handle certain legal matters, to move his home, to meet with his physicians, to move his belongings and furniture out of his present home as he now must live 24/7 at the VA. He is presently unable to pay bills because of his inability to function, and I must appear at his banks and take over financial responsibility, and address his bills, which he receives in hardcopy as he can no longer reside at his home. My son is planning to accompany me before he returns to college in order to help me with the move, as it may well be the last time he sees his grandfather.

These circumstances have also made it impossible for me to prepare for trial. Moreover, NLRB counsel has repeatedly waited to the last week before each scheduled trial session to serve new subpoenas, so that Respondent and her client are required to rush to try to respond to last-minute subpoenas in the few days before trial, instead of preparing for trial. This is the third time she has used that tactic of serving a subpoena in the days before a trial. This time, she waited a full month to serve another subpoena just this week, even though she has known for a month that the trial will be continued on January 19. This time, she also sent the subpoena to the wrong address to ensure that it was received by my client even later. Because of my personal circumstances, I would not

be able to address this latest subpoena before the beginning of trial, either.

NLRB counsel has been consulted about new trial dates and is available the first two weeks of February, and the last week of February. Other than the morning of February 9th, I am also available on those dates. However, it presently appears that the last week of February is best.

For all the above stated reasons, respondent respectfully moves for a continuance of the continuing trial from the week of January 19th, to a date in February, preferably the last week of February.

Respectfully submitted,

Kristan Peters-Hamlin

Kristan Peters- Hamlin

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has provided a copy of this Motion electronically on January 14, 2016, to opposing counsel at the following addresses:

Counsel for the NLRB, Joanne Howlett at: JoAnne.Howlett@nrlb.gov

Counsel for Tyler Hoar: rvs@scaliselaw.com

Kristan Peters Hamlin /s/

Kristan Peters Hamlin